

# HOUSE BILL No. 1301

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-1-2.

**Synopsis:** Criminal mischief. Increases from a Class B misdemeanor to a Level 6 felony the penalty for criminal mischief based on damaging or defacing the property of another, if the offense was committed while manufacturing or attempting to manufacture a controlled substance.

**Effective:** July 1, 2015.

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**McMillin**

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January 13, 2015, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1301

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 35-43-1-2, AS AMENDED BY P.L.21-2014,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 2. (a) A person who recklessly, knowingly, or  
4       intentionally damages or defaces property of another person without  
5       the other person's consent commits criminal mischief, a Class B  
6       misdemeanor. However, the offense is:  
7               (1) a Class A misdemeanor if the pecuniary loss is at least seven  
8               hundred fifty dollars (\$750) but less than fifty thousand dollars  
9               (\$50,000); and  
10              (2) a Level 6 felony if:  
11                  (A) the pecuniary loss is at least fifty thousand dollars  
12                  (\$50,000);  
13                  (B) the damage causes a substantial interruption or impairment  
14                  of utility service rendered to the public;  
15                  (C) the damage is to a public record; ~~or~~



(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

**(E) the offense is committed while manufacturing or attempting to manufacture a controlled substance (as defined in IC 35-48-1-9).**

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the property of an agricultural operation (as defined in IC 32-30-6-1);

(4) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivisions (1) through (3); or

(5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

